

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

**NRP HOLDINGS LLC and  
NRP PROPERTIES LLC,**

Plaintiffs,  
v.

**STIPULATION**

**CITY OF BUFFALO, BYRON W. BROWN, STEVEN  
M. CASEY, DEMONE A. SMITH, RICHARD A.  
STENHOUSE, BUFFALO JEREMIAH PARTNERSHIP  
FOR COMMUNITY DEVELOPMENT, INC., CITY OF  
BUFFALO URBAN RENEWAL AGENCY, JOHN DOES 1-  
10, and JOHN DOE COMPANIES 1-5,**

Civ. No 11-CV-472(WMS)

Defendants.

---

WHEREAS, Plaintiffs NRP Holdings LLC and NRP Properties LLC ("Plaintiffs") filed a motion to compel discovery from Defendants' City of Buffalo, Byron W. Brown, Steven M. Casey, Demone A. Smith, and City of Buffalo Urban Renewal Agency ("BURA") ("Defendants"); and

WHEREAS, Plaintiffs' motion consisted of a Notice of Motion, Declaration of Thomas S. Lane dated June 19, 2014 (with Exhibits "A" - "WW"), and Memorandum of Law; and

WHEREAS, the response to the motion filed by the City of Buffalo, Byron W. Brown, Steven M. Casey, and Demone A. Smith (the "City Defendants") consisted of the Declaration of Randall D. White dated July 17, 2014 (with Exhibits "A" - "JJ"), the Declaration of Timothy A. Ball (with Exhibits "A" - "J"), the Declaration of Megan N. Steele, and Memorandum of Law; and

WHEREAS, the opposition of defendant BURA consisted of the Affirmation of Richard T. Sullivan dated July 17, 2014 (with Exhibits "A" - "G"); and

WHEREAS, Plaintiffs' reply consisted of the Reply Declaration of Thomas S. Lane dated July 24, 2014 (with Exhibits "A" - "B"); and

WHEREAS, BURA served its Answers to Plaintiff's Second Set of Interrogatories on August 4, 2014; and

WHEREAS, the City Defendants served letters dated July 24, and August 5, 2014 concerning matters raised in Plaintiffs' motion; and

WHEREAS, all parties having appeared on the return date of August 6, 2014; and

WHEREAS, in order to resolve the issues presented in Plaintiffs' motion to compel, it is hereby

STIPULATED AND AGREED, that

1. Plaintiffs' motion to compel is withdrawn without prejudice to renew in consideration of the stipulations noted below; and
2. On or before September 19, 2014:
  - a. Defendants shall complete their production of all hardcopy and electronically stored information responsive to Plaintiffs' requests for production; and
  - b. Defendants shall provide privilege logs identifying any additional documents withheld from any production or redacted on the basis of privilege; and
  - c. Defendants shall serve supplemental responses to Plaintiffs' Requests for Production, identifying documents by bates number(s) responsive to each request; and

- d. Defendant City of Buffalo shall serve supplemental responses to Plaintiffs' Revised First Set of Interrogatories, interrogatory 33(h); and
- e. Defendants City of Buffalo and Brown shall undertake reasonable efforts to complete their production of documents concerning the Mayor's Fund to Advance Buffalo; and
- f. Defendants Brown and Casey shall serve supplemental responses to interrogatories 16 and 13, respectively, stating that these defendants have not derived income from Rev. Stenhouse, the Jeremiah Partnership, or any affiliated entity; and
- g. Defendants City of Buffalo, Brown, and Casey shall supplement their responses to interrogatories 35, 20, and 16, respectively, stating that they are not aware of any such complaints.

Thomas S. Lane

Thomas S. Lane  
Nelson Perel  
WEBSTER SZANYI LLP  
Attorneys for Plaintiffs  
1400 Liberty Building  
Buffalo, New York 14202  
Telephone: (716) 842-2800  
[tlane@websterszanyi.com](mailto:tlane@websterszanyi.com)  
[nperel@websterszanyi.com](mailto:nperel@websterszanyi.com)

Terrence M. Connors

Terrence M. Connors, Esq.  
Randall White, Esq.  
CONNORS & VILARDO, LLP  
Attorneys for Defendants  
City of Buffalo, Byron M. Brown  
and Steven M. Casey  
1000 Liberty Building  
(716) 852-5533  
[tmc@connors-vilardo.com](mailto:tmc@connors-vilardo.com)  
[rdw@connors-vilardo.com](mailto:rdw@connors-vilardo.com)

Timothy Ball

Timothy Ball, Esq.  
Attorney for Defendant  
Demone A. Smith  
1102 City Hall  
65 Niagara Square  
Buffalo, New York 14202  
(716) 851-4318  
[tball@city-buffalo.com](mailto:tball@city-buffalo.com)

Richard T. Sullivan

Richard T. Sullivan, Esq.  
Harris Beach PLLC  
Attorneys for Defendant  
Buffalo Urban Renewal Agency  
726 Exchange Street, Suite 1000  
Buffalo, New York 14210  
[rsullivan@harrisbeach.com](mailto:rsullivan@harrisbeach.com)  
[tflynn@harrisbeach.com](mailto:tflynn@harrisbeach.com)

**SO ORDERED.**

Dated: \_\_\_\_\_, 2014  
Buffalo, New York

---

LESLIE G. FOSCHIO  
UNITED STATES MAGISTRATE JUDGE